



**DEPARTMENT OF THE NAVY**

NAVAL SEA SYSTEM COMMAND  
1333 ISAAC HULL AVENUE  
WASHINGTON NAVY YARD DC 20376

IN REPLY REFER TO

4520

Ser 21I/017

1 September 2016

Ms. Donna S. Wieting  
Director, Office of Protected Resources  
National Marine Fisheries Service  
1325 East West Highway  
Silver Spring, MD 20910

Dear Ms. Wieting:

SUBJECT: Request for informal consultation 7(a)(2) of the Endangered Species Act (ESA) and Magnuson-Stevens Fishery Conservation and Management Act (MSA) Essential Fish Habitat (EFH) Response regarding United States Navy, Naval Sea Systems Command, Inactive Ships Office (SEA 21I) proposed action for contracting for towing and dismantling of the inactive U.S. Navy vessel ex-INDEPENDENCE; response to conservation recommendations.

The Navy received and reviewed the 5 August 2016 letter in which the National Marine Fisheries Service (NMFS) concurred that the Navy's proposed action for towing and dismantling ex-INDEPENDENCE is not likely to adversely affect relevant ESA listed species, and would not destroy or adversely modify designated critical habitat. Also provided, within, were three EFH conservation recommendations which NMFS encouraged the Navy to implement. On pages 19-20 it was requested that SEA 21I provide NMFS a detailed written response to those recommendations within thirty (30) days.

NMFS conservation recommendations and SEA 21I responses are addressed below:

(1): Isolate the area around the ship with a silt curtain to contain suspended solids and minimize the debris field created by the proposed action. Doing so will minimize the likelihood that MSA managed species will be exposed to the highest level of contaminants from the antifouling paint (adverse effect #1) and will minimize the debris field created by the action, thereby reducing the area that is impacted (adverse effect #3).

INACTSHIPS Response:

INACTSHIPS has evaluated the practicability of using a silt curtain in conjunction with the hull cleaning. The ship's hull is approximately 1,070 feet (ft. 326 meters [m]) long with a 270 ft. (82 m) wide flight deck (i.e., the equivalent size of two football fields). Due to vessel size, isolating the area with a silt curtain or similar equipment is not practicable due to diver's safety.

NMFS Recommendation

(2): As soon as possible after cleaning, remove the accumulated debris using a dredge or other suitable method. This recommendation is intended to address EFH adverse effects #2 and #3 above and is based, in part, on the uncertainty surrounding the volume and composition of the fouling community.

a. Prior to cleaning up the debris, NMFS recommends that the U.S. Navy determine the quantity of debris and how it will affect water quality and the substrate. If the volume is insufficient to adversely affect EFH, NMFS will withdraw this recommendation on receipt of information to support that conclusion.

INACTSHIPS Response:

Based on the Navy's experience dredging is more likely to disturb the pre-existing sediments in the area, thereby causing potential harm to EFH.

To ensure the integrity of the hull prior to towing, an inspection of the hull will be conducted prior to cleaning compromised areas that potentially could be damaged during the cleaning process. Less biofouling may be removed from those areas. The remainder of the hull will be cleaned to the extent necessary to disrupt or damage biofouling species to a point that encrusted organisms posing a threat to ESA listed species will no longer be able to survive or reproduce.

The Navy will conduct an analysis to estimate the extent of biofouling on the ex-INDEPENDENCE. This analysis will be conducted prior to the hull cleaning and be used to help determine the amount by volume of biofouling on the wetted surface area of the ship's hull.

## NMFS Recommendation

(3): Monitor water quality in the immediate vicinity of the ship as well as at more distant locations before, during, and after cleaning. Monitoring should include the toxic constituents of the antifouling paint used on the ex-INDEPENDENCE. Doing so will provide information for future ship tow operations as well as the effectiveness of the silt curtain and dredging operations. Should the USN monitor the effects of this action on water quality, they should send a report to NMFS headquarters to inform the ongoing discussions to develop a programmatic EFH consultation for this activity.

## INACTSHIPS Response:

### Toxic Constituents of the Antifouling Paint:

The Navy confirmed that cuprous oxide was the active ingredient in the antifouling paint used on ex-INDEPENDENCE's hull. The Navy examined the material safety data sheets for the paint and found that no polychlorinated biphenyls (PCBs), mercury, or other non-copper active ingredients were listed.

### Water Quality Monitoring:

The analysis in Chapter 4 of the "Biological Evaluation for Species Listed Under the Endangered Species Act Under National Marine Fisheries Service Jurisdiction for the Towing of the ex-INDEPENDENCE from Bremerton, WA to Brownsville, TX", concluded that water quality impacts resulting from in-water cleaning would be minimal and temporary.

Nevertheless, in response to NMFS' recommendations regarding EFH, the Navy is planning to execute a water quality survey to include the following steps:

- a. Survey planning and sample design to include surface and depth sampling at 10 locations in the vicinity of ex-INDEPENDENCE.
- b. Onsite sampling at five specific time intervals: prior to initiating hull cleaning; during hull cleaning; immediately after hull cleaning; 1 week after hull cleaning; and 2-3 weeks after hull cleaning has concluded.

c. Sampling and analysis will include metals (copper, zinc), nutrients, dissolved organic carbon, and dissolved oxygen/biological oxygen demand.

d. In-situ, real time data will be gathered associated with traditional oceanographic measurements (salinity, temperature, turbidity, pH, and current flow).

Biofouling would be released throughout the duration of hull cleaning, approximately four weeks, gradually dispersing within the local environment. The Navy expects any copper released from hull cleaning to be minimal and any changes in water quality would be short-term and temporary. The release of small quantities of copper into the environment would be negligible and not expected to impact water or sediment quality of Sinclair Inlet.

INACTSHIPS acknowledges NMFS request that EFH consultation must be reinitiated if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS EFH conservation recommendations.

INACTSHIPS appreciates the efforts of the National Marine Fisheries Service to collaborate with the Navy's Inactive Ships Office as we continue to evaluate programmatically the potential environmental impacts of towing inactive ships. The point of contact for this effort is James Poles, Environmental Project Manager, at telephone (202) 781-0149 or email James.Poles@navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Boozer', with a long horizontal flourish extending to the right.

W. BOOZER

Director

NAVSEA Inactive Ships Office, SEA21I